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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Kari Lake; Mark Finchem,

Plaintiffs,

v.

Kathleen Hobbs, as Arizona Secretary of State;
Bill Gates; Clint Hickman; Jack Sellers;
Thomas Galvin; and Steve Gallardo, in their
capacity as members of the Maricopa County
Board of Supervisors; Rex Scott; Matt Heinz;
Sharon Bronson; Steve Christy; Adelita
Grijalva, in their capacity as members of the
Pima County Board of Supervisors,

Defendants.

No. 22-cv-00677-JJT
(Honorable John J. Tuchi)

**Second Declaration
of Benjamin R. Cotton**

1 I, Benjamin R. Cotton, hereby declare under the penalty of perjury, and state the
2 following in response to Maricopa County's filing, Dkt. No. 82 ("Maricopa Notice"):

3 1. I examined the election computer system used by Maricopa County during the
4 November 2020 general election. In my testimony in this matter, I stated that there were
5 wireless 802.11 modems present in the Maricopa system that could be used to connect to
6 unauthorized networks. Those modems are a component of the integrated Network
7 Interface Card which is soldered into the motherboards of the Election Management
8 System (EMS) client workstations and the ballot adjudication workstations, each of
9 which were networked to the central EMS computer server that reported the final vote
10 tallies. My testimony about the 802.11 wireless modems at the July 21 hearing was not
11 describing Maricopa's voter registration computers, but rather the EMS connected
12 computers. I have not seen nor heard any report or statement from a technical computer
13 expert or cybersecurity expert that disputes the presence of these modems on the EMS
14 client workstations and ballot adjudication workstations which, according to the Dell
15 setup manual for the Dell 3431 computers at issue here, are enabled by default.

16 2. I saw, during my examination of the Maricopa County Democracy Suite 5.5-B
17 equipment, that the EMS server and all connected Dell workstations had open ports that
18 would permit USB devices, including USB based WIFI modems, access through them to
19 the EMS server and other election systems components connected to the EMS server.
20 Paragraph 2 of the Maricopa Notice narrowly limits its statements about the ports to the
21 Democracy Suite "tabulators." The Maricopa Notice does not dispute the presence of
22 open ports on the EMS server and connected workstations. I have photographs of the
23 open ports on the EMS server and connected workstations. The Maricopa Notice's
24 narrow limitation of its statements to the "tabulators" follows the same approach at the
25 hearing used by Scott Jarrett in his testimony concerning the changing of passwords,
26 which was limited to the password protection procedures on the Maricopa tabulators. Mr.
27 Jarrett's testimony did not dispute that the administrator password on the Maricopa EMS
28 server or the computers that connected to the EMS server had never been changed. This

1 is a very important distinction. The administrator password on the EMS server gives a
2 user access to change any other password on the EMS server and change configurations
3 on any of the connected workstations. My examination of the system showed the EMS
4 passwords were weak, were the same password for all accounts and never been changed.
5 I have not seen any report or statement from a technical computer or cybersecurity expert,
6 which Mr. Jarrett is not, that disputes that the user and administrator passwords on the
7 Maricopa EMS server and all connected computers had never been changed.

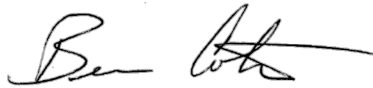
8 3. Regarding the second hard drive on one of the Maricopa Adjudication Computers:
9 Maricopa County's previous reports from the Pro V&V and SLI audits of the EMS
10 system did not mention a second hard drive in any of the units. Here the County
11 acknowledges that the second drive existed. The presence of a second hard drive was an
12 improper configuration that should have invalidated any certification of the system. The
13 second drive further shows that Maricopa County's cybersecurity practices for managing
14 the hardware on its Democracy Suite system are inadequate to prevent the appearance of
15 unauthorized or uncertified hardware that presents a security risk. It is egregious that the
16 County allowed the hard drive to improperly remain in the adjudication server. The
17 Maricopa Notice says that the second drive created no risk of internet connectivity, but
18 this assertion does not change the fact that Internet connectivity in the adjudication and
19 EMS client systems could have in fact been established through the wireless modems
20 present on the motherboards of those units or on USB devices if not properly disabled
21 and monitored. Even if the county later stopped using the unit with the second hard drive,
22 that does not eliminate the fact that it was used in the November 2020 general election.

23 4. At the hearing, Mr. Jarrett testified that Maricopa County did not provide Windows
24 logs and daily ballot image backups from the 2020 election, because such materials were
25 not requested. The attached subpoena (Ex. V) and request for information (Ex. W) show
26 that this is again incorrect. These items were demanded from Maricopa County in
27 connection with my review of the Maricopa Democracy Suite system. These attachments
28 are true and correct copies of the respective subpoena and request for information.

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26 July 2022

Date



Benjamin R. Cotton